

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: CHOCOLATE	:	MDL DOCKET NO. 1935
CONFECTIONARY ANTITRUST	:	(Civil Action No. 1:08-MDL-1935)
LITIGATION	:	
<hr/>	:	(Judge Conner)
	:	
THIS DOCUMENT APPLIES TO:	:	
	:	
DIRECT PURCHASERS	:	

ORDER

AND NOW, this 3rd day of February, 2009, upon consideration of the letter received from counsel for the direct purchaser plaintiffs on February 2, 2009, which requests leave to respond to defendant Hershey Company's notice of supplemental authority (Doc. 578), and it appearing that defendants have submitted no legal argument accompanying the notice,¹ and the court concluding that the parties' filings to date adequately address the issues discussed by the recent case² cited therein, it is hereby ORDERED that the request to respond to the supplemental authority is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹Rule 7.36 of the Local Rules of Court, which governs notices of supplemental authority, limits the length of such filings to one hundred words. Hence, any legal argument submitted without prior leave of court would be improper under Rule 7.36.

²The notice advised the court of a recent decision issued by the United States District Court for the Northern District of Georgia dismissing claims brought under Section 1 of the Sherman Act pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 127 S. Ct. 1955 (2007). The parties to the instant matter have extensively briefed this issue, and—absent a significant change in controlling law—further submissions will not aid the court in disposing of the pending motions to dismiss.